



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 25 2015

INFORMATION REQUEST LETTER
URGENT LEGAL MATTER - PROMPT REPLY REQUESTED
SENT VIA CERTIFIED MAIL

Rimmer Brothers, Inc.
c/o Mr. Terry Rimmer
1616 Maryville Pike
Knoxville, TN 37920

Re: Information Request pursuant to Section 104(e) of CERCLA
Smokey Mountain Smelters Superfund Site, Knoxville, Knox County, Tennessee

Dear Mr. Rimmer:

The purpose of this letter is to request that The Rimmer Brothers, Inc., respond to the enclosed Information Request. The United States Environmental Protection Agency (EPA) has investigated the source, extent, and nature of releases of hazardous substances, specifically including but not limited to contaminants associated with agricultural chemicals produced, stored and transported to and/or from the Smokey Mountain Smelters Removal Site (the Site) in Knoxville, Knox County, Tennessee. Based on its investigation, the EPA has determined that such agricultural chemicals at the Site originated from the operations of Agrico Chemical Company, a subsidiary of ConocoPhillips. These hazardous substances present an imminent and substantial danger to public health and the environment. The EPA initiated a removal action in September 2008 under the authority Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, to address imminent threats. A remedial action is currently being planned to address remaining contamination at the Site.

The EPA is now seeking information concerning the association of The Rimmer Brothers, Inc. With Site as well as its ability to be involved in the cleanup of the Site or pay for the costs associated with the cleanup. Pursuant to the authority of CERCLA Section 104, 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, the EPA requests that The Rimmer Brothers, Inc., through its officer, agent or legal representative or combination thereof, respond to this Information Request, within 30 days of receipt of this letter.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within 30 days of receipt of this letter, or to inadequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of



CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes provide that the EPA may seek the imposition of penalties of up to thirty seven thousand, five hundred dollars (\$37,500) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject The Rimmer Brothers, Inc., or associated individuals to criminal penalties under Section 3008(d) of RCRA, 42 U.S.C. § 3008(d).

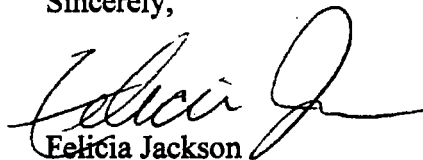
This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Please mail the response to this Information Request to the following:

Felicia Jackson, EPS
U.S. Environmental Protection Agency
Superfund Enforcement and
Community Engagement Branch
Atlanta Federal Center, 11th Floor
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Due to the legal ramifications of a failure to respond properly, EPA strongly encourages giving this matter immediate attention and responding to this Information Request within the time specified above. Please direct legal questions to Caroline Philson, Associate Regional Counsel, at (404) 562-9588 or at Philson.Caroline@epa.gov. For any general questions, or to arrange to submit responsive information electronically, please contact me at (404) 562-8894 or via email at Jackson.Felicia@epa.gov prior to the time specified above. Thank you for your cooperation in this matter.

Sincerely,



Felicia Jackson
Environmental Protection Specialist
Superfund Enforcement and Community
Engagement Branch

Enclosures – Definitions/Questions

ENCLOSURE A

SMOKEY MOUNTAIN SMELTERS SUPERFUND SITE - INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. Identify each person answering a question on behalf of The Rimmer Brothers, Inc., including all persons consulted in answering these questions, and the documents consulted, examined, or referred to in preparation of answering these questions. Provide true and accurate copies of all such documents.
4. If information or documents not known or available to The Rimmer Brothers, Inc., as of the date of response to this Information Request should later become known or available, The Rimmer Brothers, Inc., must supplement its response to the EPA. Moreover, should any person associated with the response find, at any time after the submission of the response, that any portion of the submitted information is false or misrepresents the truth, The Rimmer Brothers, Inc., must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
5. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. The information requested herein must be provided even though The Rimmer Brothers, Inc., may contend that it includes possibly confidential information or trade secrets. The Rimmer Brothers, Inc., may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice. Read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

Definitions

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" or "Respondent" shall mean the addressee of this Request, The Rimmer Brothers Inc., the addressee's officers, managers, employees, representatives, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms the "Site" or the "facility" shall mean the Smokey Mountain Smelters Superfund Site located at 1508 Maryville Pike in Knoxville, Knox County, Tennessee.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
8. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice,

message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

9. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
10. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 40 C.F.R. Part 300, in which case the statutory or regulatory definitions shall apply.

ENCLOSURE B

SMOKEY MOUNTAIN SMELTERS REMOVAL SUPERFUND SITE

Information Request Questions

1. Confirm all identifying information for The Rimmer Brothers, Inc. including:
 - a. Legal name, including any "doing business as" name;
 - b. Date and state of incorporation and corporate status;
 - c. Complete mailing and physical address of the central office; and
 - d. Name and mailing address of your registered agent.
2. Identify each person authorized to discuss this Site with EPA by:
 - a. Full name and title;
 - b. Mailing address and physical address; and
 - c. Daytime telephone number.
3. Describe the nature of the business conducted by The Rimmer Brothers Inc., at the Site, including but not limited to its ownership or lessee status, as well as the chemicals produced at, transported to and from, and otherwise associated with the Site. To the extent there were changes over time in the nature of the business, describe those changes.
4. Describe the manner of handling any waste materials generated by the business operated at the Site by The Rimmer Brothers Inc., providing documentation of such practices including but not limited to the location of any off-site disposal of wastes.
5. Identify the persons responsible for the daily operations of the business of The Rimmer Brothers Inc., at the Site.
6. Describe the current status of The Rimmer Brothers Inc., including but not limited to its corporate, operational and financial status.
7. Provide a list of all property and casualty insurance policies (e.g., comprehensive general liability, environmental impairment liability, and automobile liability policies) associated with The Rimmer Brothers Inc., operation of the Site. Specify the insurer, policy, effective dates, and state the per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response.
8. Identify all persons, including but not limited to individuals or entities associated with the business of The Rimmer Brothers Inc., or any prior parent, subsidiary, successor or other related corporation or other business entity, that may be responsible for the liabilities of The Rimmer Brothers Inc., arising from or relating to the release or threatened release of hazardous substances at the Site.

9. For each and every Question contained herein, if any of the documents solicited in this information request are no longer in the possession, custody, or control of The Rimmer Brothers Inc., then identify the persons from whom such information or documents may be obtained, and indicate the reason why they are no longer available. If the records were destroyed, provide the following:
 - a. The company's document retention policy;
 - b. A description of how the records were destroyed and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents;
 - d. The name, job title and most current address known of each person who would have produced these documents; who would have been responsible for the retention of these documents; who would have been responsible for the destruction of these documents; and who had or still may have the originals or copies of these documents; and
 - e. The names and most current known address of any person who may possess documents relevant to this inquiry.
10. Provide any information known to The Rimmer Brothers, Inc., linking any other companies or individuals to the hazardous substances found at the Site.
11. Identify any other persons other than those already identified, who may be able to provide a more detailed or complete response to any Question contained herein, or who may be able to provide additional responsive documents. Provide the name, current mailing address and current telephone number of any such person, and the additional information or documents that they may have.

Certified Mail Form

US Environmental Protection Agency



HELLO COLE, LINDLEY

Date: 09/25/2015
Date: 09/25/2015

New Certified Mail Record

Certified No.:	7008281000043166088		
Express No.:			
To:	Rimmer Brothers, Inc.; c/o Mr. Terry Rimmer		
Street:	1616 Maryville Pike		
City:	Knoxville	State:	TN
Zip:	37920		
Sender:	Felicia Jackson	Extension:	28894
Floor:	11		
Sender Location:	ENFORCEMENT AND COMMUNITY ENGAGEMENT BRANCH, IO		
Building:	AFC	Unit:	Enforcement
Alternate Sender:	Lindley C. Cole	Alternate Sender Extension:	28851
Site Name:			Site ID:

Save Record

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here SEP 25 2015
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, August 2006	

Rimmer Brothers, Inc.
c/o Mr. Terry Rimmer
1616 Maryville Pike
Knoxville, TN 37920